

Rebuttals to GOP Claims and Myths About Photo Voter ID

GOP Claim: The Supreme Court decision upholding the Indiana Photo ID law validated Photo Voter ID laws and proved they are not discriminatory or unduly partisan.

Rebuttal: Even the appellate judge who upheld the Indiana law wrote in his opinion that the law harmed Democrats, and to the extent the case the Supreme Court upheld the law because there had been no harm demonstrated to actual voters, we now have evidence that there has been disenfranchisement of voters in Indiana.

- **We now know that Indiana's law has actually disenfranchised real citizens. In contrast,** no party or *amicus* cited even one case of impersonation at the polls in Indiana to the Supreme Court. **In fact, more real Hoosiers have been disenfranchised by the law in the last two years than the number of reported cases of impersonation at the polls cited to the Supreme Court - from anywhere in the country - in the last two decades.** For example, in limited-turnout local elections in Marion County, Ind. in 2007, 32 voters cast ballots that could not be counted because of the voter ID law. **Moreover, these were long-time voters: 14 of them had previously voted in at least 10 elections.** <http://www.brennancenter.org/page/-/Democracy/%20ID-related%20stats.pdf>
- **"No doubt most people who don't have photo ID are low on the economic ladder and thus, if they do vote, are more likely to vote for Democratic than Republican candidates. Thus the new law injures the Democratic Party by compelling the party to devote resources to getting to the polls those of its supporters who would otherwise be discouraged by the new law from bothering to vote."** Federal Appellate Judge Posner, in his opinion (MARION COUNTY ELECTION BOARD, *et al.*) upholding the Indiana photo ID law.
- **For a detailed analysis and response to the facts presented in the Indiana Supreme Court case, see:** <http://www.truthaboutfraud.org/pdf/CrawfordAllegations.pdf>

GOP Claim: Voter ID proposals are bipartisan and serve the public interest by protecting the integrity of the ballot. The Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former

Secretary of State Jim Baker, supported laws that require voters to show a photo ID before voting.

Rebuttal: In the days after the release of the commission's report, **President Carter and former Secretary Baker stated in an op-ed in the New York Times that their intent had been misconstrued and clarified that until we have universal registration, we cannot make having such an ID be a condition of voting.** (Source: Jimmy Carter and James A. Baker III, "Voting Reform Is in the Cards," The New York Times, Sept. 23, 2005 (op-ed), www.nytimes.com/2005/09/23/opinion/23carter.html?pagewanted=print).

GOP Claim: Some studies show that turnout actually increased in states with photo ID and others show very few citizens do not have current photo ID, proof that photo ID laws do not and will not suppress voter participation.

Rebuttal: These studies rely on flawed methodology to come up with a rationale for the partisan GOP photo ID agenda.

- A University of Missouri "study" often cited by Republicans compared turnout between the 2002 and 2006 election cycles and allegedly "proved" photo ID had no effect on turnout because turnout was higher in 2006 after the Indiana photo ID law was passed. **As any political hack knows, turnout varies between election cycles based on enthusiasm, candidates, and numerous other factors.** A more valid analysis would compare states with Photo ID requirements against those without, over a period spanning several election cycles or the same national election cycle.
- A Heritage Foundation "study" by Hans von Spakovsky (a photo ID advocate and the former DOJ political appointee who had a hand in overruling career DOJ staff objections to the Texas 2003 redistricting plan and the Georgia photo ID law) attempted to "prove" photo ID laws had no affect on turnout because turnout in Photo ID states, and especially turnout among African Americans, was higher in 2008 than in 2004. **DUH! Comparing turnout in 2004 to the excitement of 2008 is like comparing winter in Alaska to winter in Key West, and has everything to do with the Obama campaign and nothing to do with photo ID.**
- Another study involved a survey of 2,000 randomly sampled voters in three states (Indiana, Maryland and Mississippi) that found that roughly 1.2% or only 24 (weighted) people in the sample do not have

acceptable photo IDs. As any pollster knows, the voters least likely to answer a survey are the very people who would not have a phone, do not own a home, and do not have a photo ID. However, even that 1.2% figure, although out of line with other studies, would mean 100,000 voters out of 9.4 million registered voters in the three states, enough to swing some close elections, especially in certain areas.

GOP Claim: Without a photo ID law, elections could be stolen by “double voting” and voting by dead people, non-citizens or felons and we’d never know it.

Rebuttal: Independent studies by journalists, academic institutions, and government agencies have found no merit in these wildly exaggerated claims. (see handout on “Exaggerated Voter Fraud Claims Drive GOP Voter Photo ID Agenda”)

GOP Claim: There are no voter impersonation reports because there is no photo ID law.

Rebuttal: Yes, and there is no pot of gold because there isn’t a map to the end of the rainbow. Aside from the obviously flawed circular logic inherent in this “argument,” **voter impersonation in states with and without photo ID is virtually non-existent.**

GOP Claim: You need a photo ID for almost everything in life today, from cashing a check to boarding a plane to renting a movie at Blockbuster, so a photo ID should be required for voting. In the Indiana case, the state argued: *“The record is replete with examples of other circumstances—some involving the exercise of constitutional rights—where citizens cannot function on a daily basis without government-issued photo identification.”*

Rebuttal: It is simply not true that citizens “cannot function on a daily basis” in the specified areas without government-issued photo identification, or that photo ID is required for these activities.

- **Enter federal courthouse:** mostly but not entirely true. Though some courthouses may indeed require photo identification, not all do. Repeated calls to the Supreme Court, for example, have confirmed that photo identification is not necessary to enter the Supreme Court building.

- **Travel by airplane:** not true. See *Gilmore v. Gonzales*, 435 F.3d 1125, 1129-30, 1133 (9th Cir. 2006) (“The identification policy requires airline passengers to present identification to airline personnel before boarding or be subjected to a search that is more exacting than the routine search that passengers who present identification encounter.”); FAA Security Directive 96- 05(1)(C).
- **Cash checks:** not true. Check-cashing services will allow individuals to cash checks without photo ID, but may charge more for the service. (Source: *Check-Cash Service Fees on Rise*, San Jose Mercury-News, Aug. 22, 1997). Moreover, some automated ATMs allow customers to cash checks without photo ID. (Source: *Kiosk Cashes Checks, and Also Takes its Cut*, St. Petersburg Times, July 7, 1997)
- **Rent movies at Blockbuster:** not true. All you need is your Blockbuster card, not a photo ID. And Several chains now offer DVD rental at unmanned kiosks, where no photo identification is required. (Source: *Blockbuster Tries Out Video Rental Kiosks*, L.A. Times, 11- 22-07)
- **Marriage license:** not true. Several states — including Indiana — will issue a marriage license without requiring photo ID. (See, e.g., Ind. Code § 31-11-4-6)
- **Drive a car:** not true. Several states authorize driver’s licenses without a photograph for reasons including a religious objection, (see, e.g., Ark. Code § 27-16-801(b)(2); Minn. Stat. § 171.071)
- **Stay in a hotel:** not true. Many hotels will rent a room using only a credit card.
- **Buy alcohol:** not true (as an absolute rule), not even in Texas. In fact, at least as of July 2007, only one state (Tennessee) requires every customer, no matter how old, to show ID to purchase alcohol. (Source: *States Get Creative in Fight Against Underage Drinking*, USA Today, July 19, 2007, at 1A; see also, e.g., Texas Alcoholic Beverage Commission, Age Verification, <http://www.tabc.state.tx.us/leginfo/ageVerify.htm>.)

Voter ID Facts: Photo ID Laws = Vote Suppression

"At the same time, the Court acknowledged the undeniable fact that voter ID laws can burden some citizens' right to vote." Former Republican Attorney General Michael Mukasey, addressing DOJ attorneys who deal with election crime issues after the Supreme Court rules on the Indiana Photo ID law.

"As more information becomes available about the administration's priority on combating alleged, but not well substantiated, voter fraud, the more apparent it is that its actions concerning voter ID laws are part of a partisan strategy to suppress the votes of poor and minority citizens." Joseph Rich, former Chief of the U.S. Department of Justice Voting Section, McClatchy Newspapers, 4-19-07

Voter Turnout Studies

- **We now know that Indiana's law has actually disenfranchised real citizens.** In contrast, no party or *amicus* cited even one case of impersonation at the polls in Indiana to the Supreme Court. In fact, **more real Hoosiers have been disenfranchised by the law in the last two years than the number of reported cases of impersonation at the polls cited to the Supreme Court - from anywhere in the country - in the last two decades.** For example, in limited-turnout local elections in Marion County, Ind. in 2007, 32 voters cast ballots that could not be counted because of the voter ID law. **Moreover, these were long-time voters: 14 of them had previously voted in at least 10 elections.** <http://www.brennancenter.org/page/-/Democracy/%20ID-related%20stats.pdf>
- A study of the 2004 presidential election by scholars at Rutgers and Ohio State Universities for the bipartisan Federal Election Assistance Commission found that **Voter ID laws suppress turnout - especially among the elderly, African Americans and Hispanics who tend to vote Democratic.** States with voter I.D. laws had an overall turnout reduction of 3%, **a figure that reached 5.7% among African Americans and 10% among Hispanics.**
- A recent Brown University study reports that U.S. states that require voters to present identification before casting ballots have lower levels of political participation. From 1996-2004, voter I.D. policies reduced

Asians' registration and diminished voter turnout by blacks and Hispanics, by about 14 percent and 20 percent respectively. **The net reduction in minority voting in these states in 2004 was more than 400,000 votes.** The effects were similar for persons with less than a high school education and less than \$15,000 income, tenants, and recent movers. While persons with these characteristics are less likely to participate in civic affairs regardless of their state of residence, they experience an additional reduction in participation relative to others in voter I.D. states.

<http://www.sciencedaily.com/releases/2008/01/080107110356.htm>

Note: Voter ID advocates have advanced "studies" attempting to show Voter ID laws do not suppress turnout. One University of Missouri "study" compared turnout between the 2002 and 2006 election cycles. As any political hack knows, turnout can vary radically between election cycles based on enthusiasm, candidates, and other factors. A more valid analysis would compare states with Photo ID requirements against those without, over a period spanning several election cycles or the same national election cycle.

Studies: Those Least Likely to Have Photo ID Are Vote Suppression Targets

- **"Voter ID" laws suppress turnout because the working poor and senior citizens are less likely to have a photo ID or the time or ability to get one.** A 2006 study by the nonpartisan Brennan Center at NYU Law School found that **25% of African Americans have no government-issued photo ID, nor do 18% of seniors 65 and over or 15% of those who earn less than \$35,000/year.**
- **Even the Texas Conservative Coalition Research Institute admitted that 37% of Texas residents over the age of 80 did not have a driver's license.**
- The Georgia chapter of the AARP has estimated that about 153,000 Georgians older than 60 who voted in 2004 do not have government-issued photo ID. It has also estimated that 36% of Georgians over age 75 do not have a driver's license

- An estimated 23% of persons aged 65 and over do not have a Wisconsin driver's license or photo ID. 177,399 elderly persons 65 and older don't have a driver's license or a state photo ID, **and 70% of these are women.** (Source: http://www.brennancenter.org/page/-/d/download_file_50902.pdf. The Driver License Status of the Voting Age Population in Wisconsin by John Pawasarat, University of Wisconsin-Milwaukee, June 2005)
- The Wisconsin study found that the numbers of nonwhites without photo ID differed dramatically from the numbers of Anglos
 - **52% of nonwhite residents 18+ (compared to 17% of white residents)**
 - **78% of black men 18-24 (compared to 36% of white men 18-24)**
 - **63% of Hispanic women 18-24 (compared to 25% of white women 18-24)**

Voter ID Talking Points: Voting Rights

“The vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls that imprison men because they are different from other men.” *President Lyndon B. Johnson, signing the Voting Rights Act*

- **Photo ID legislation is a fraud. No one has presented or documented a single case of “voter impersonation”** – the only type of “voter fraud” this legislation would address.
- **Voting is a right. Photo ID legislation proposes an extra hurdle for many Texans that is reminiscent of the poll tax.** The working poor and senior citizens are less likely to have a photo ID - or the time or ability to get one, and a **“free” ID is not free** – it requires a trip to a DPS office to sign an affidavit – and for many Texans that takes time and money.
- **Negotiating an “acceptable” Voter ID bill is like negotiating the price of a poll tax.**
- A Wisconsin study found that the numbers of nonwhites without a driver’s license photo ID differed dramatically from the numbers of Anglos
 - **52% of nonwhite residents age 18+ (compared to 17% of white residents)**
 - **78% of black men 18-24 (compared to 36% of white men 18-24)**
 - **63% of Hispanic women 18-24 (compared to 25% of white women 18-24)** (Source: The Driver License Status of the Voting Age Population in Wisconsin by John Pawasarat, University of Wisconsin-Milwaukee, June 2005)
- The study of the 2004 presidential election prepared by Rutgers and Ohio State Universities for the Federal Election Assistance Commission showed that **states with voter I.D. laws experienced turnout reduction that reached 5.7% among African Americans and 10% among Hispanics.** After the EAC report was released “unofficially,” it was suppressed by Bush administration appointees

for partisan reasons, as was a Department of Justice staff finding that recommended federal a Voting Rights objection be filed against a Georgia Voter ID bill that was ruled unconstitutional and is now on appeal.

- The “unstated” suggestion that non-citizen Hispanics may be voting in large numbers is a scare tactic not supported by facts. There is no documentation of systematic voting by non-citizens, and as a practical matter, **it is absurd to think that non-citizens would risk being identified and subjected to deportation by voting.**

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Voter ID Debate Points: What Republicans Will Say and Why They Are Wrong

The simplest message in a debate is often **NOT** the correct or honest one. There is no question that the Republican message on Voter Photo ID is simple and, on the surface, appealing – *“A voter should show a photo ID to prove who they are when they vote just like we do when we rent a movie or get on an airplane. A photo ID law will improve the integrity of our elections.”* The problem is that this simple message is dishonest and hides a deliberate effort by Republican politicians to abuse our voting system to tighten their weakening grip on political power in Texas.

Earlier this session, the Texas Senate conducted a 23 hour hearing on Voter Photo ID. The Republican majority engineered the manner and timing of the hearing so that much of the substantive debate occurred between 11 pm and 4 am. The following analysis reviews the substantive major points put forth by Republicans to justify a Voter Photo ID requirement and provides factual, substantive rebuttal.

False Claim – Voter Fraud is widespread so we must act to protect the integrity of our elections.

Fact: Voter Impersonation, the only kind of Voter Fraud addresses by Photo ID laws, is so rare that it is virtually non-existent.

- In 2005-2006, Texas Republican Attorney General Greg Abbott conducted a high profile pursuit of “voter fraud,” but a May 18, 2008, analysis by the *Dallas Morning News* reported that Abbott’s efforts produced only 26 prosecuted “voter fraud” cases, **and not one case involved voter impersonation.** 18 of the cases involved technical violations when eligible voters cast legitimate votes by mail and the remaining eight cases were isolated local cases covered by current law.
- **In all the briefs submitted to the Supreme Court by the State of Indiana and Photo ID advocates, there is not a single proven example of voter impersonation at the polls.** Out of 400 million general election votes cast nationwide from 2000-2006, the briefs cite one attempt at impersonation that was thwarted without a photo ID requirement, and nine allegations of impersonation that might have been due to clerical error – and none in Indiana.
http://brennan.3cdn.net/45b89e6d14859b0f8e_i2m6bhcv9.pdf

False Claim – Most people already have a Photo ID, so it's no big deal.

Fact: Although most people take having a photo ID for granted, many Texans do not, and those who do not are more likely to be elderly, seniors, women, people of color, and the working poor, according to numerous academic studies.

- A 2006 study by the nonpartisan Brennan Center at NYU Law School found **that 11% of Americans have no government-issued photo ID**, nor do 25% of African Americans, 18% of seniors 65 and over, or 15% of those who earn less than \$35,000/year. (Source: Citizens Without Proof, A Survey of Americans Possession of Documentary Proof of Citizenship and Photo Documentation, Brennan Center for Justice, New York School of Law. November 2006)
- Even the Texas Conservative Coalition Research Institute says 37% of Texas residents over the age of 80 did not have a driver's license.
- **Documents obtained recently from the Texas Secretary of State indicate that 8% of those who registered to vote after January 1, 2006 did not have a driver's license or Social Security number to enter on the voter registration form. Eight percent of Texas' 13.57 million registered voters is approximately 1,080,000 voters.**

False Claim – Our bill includes provisions that will let people who don't have a driver's license get an ID for free.

Fact: There is no free ID, because it costs money to get documents needed to get a photo ID and get to locations where they are available.

- At the Senate Committee of the Whole hearing on the Voter ID bill, nationally recognized experts, including Tova Wang of Common Cause and former Justice Department official Dr. Toby Moore, testified that **there is no free ID**, citing the cost of documentary proof required to get a photo ID (\$22 for a Texas birth certificate), the cost of transportation for those who don't drive, lost wages for hourly workers who have to go to various agencies during working hours to get documents and obtain ID, etc.
- At the same hearing, Senator Mario Gallegos presented maps that show there are no Texas DPS locations that issue driver's licenses inside Loop 610 in Houston or the 820 Loop in Ft. Worth, and only one in the city of Dallas, a fact that would make getting a photo ID costly and time consuming for many inner city residents.

- Senate Bill 362 only provides a so-called “free ID” for those who swear the photo ID is for voting purposes only.

False Claim – Photo ID requirements were passed in Indiana and Georgia and voter turnout went UP!

Fact: The studies that claim photo ID laws cause higher turnout rely on flawed methodology to come up with a rationale for the partisan GOP photo ID agenda.

- Every political professional and every honest political scientist knows that attributing turnout variations between election cycles to a single factor is extremely problematic, because turnout varies from election to election depending on enthusiasm, the candidates, the amount of resources spent in the campaign and numerous other factors.
- A University of Missouri “study” is cited by Republicans who claim a turnout increase in Indiana in 2006, compared to 2002, was due to a new photo ID law. Likewise, a Heritage Foundation “study” by the infamous Hans von Spakovsky (link to LSP reports) claims photo ID laws are the reason for higher turnout in Indiana and Georgia, especially among African Americans, in 2008 than in 2004.
- The 2006 Indiana conclusion ignores the impact of intense campaign activity in that state’s Governor’s race and the 2006 Democratic push to take back Congress; and the 2008 conclusion ignores the impact of the Obama candidacy and competitive campaigns at the top of the ticket that resources in those two states for the first time in years.
- **Comparing 2008 turnout in Texas to 2004 turnout, the number of votes cast in the general election in Texas increased by over 600,000, and increased by over 2 million votes in the 2008 Democratic primary. Using the same logic behind the bogus claims of Voter ID advocates, one could conclude that Texas turnout increased because the Voter ID bill was defeated in 2005 and 2007.**

False Claim – The only ones opposing Voter Photo ID are partisan Democrats.

Fact: The Republicans stand alone in their pursuit of their Voter Photo ID vote suppression agenda, as the bill is opposed by respected nonpartisan organizations and editorials in every major Texas newspaper.

- **AARP, the League of Women Voters, Common Cause, the NAACP, LULAC, MALDEF, and others testified in opposition to**

the Voter ID bill at the recent Senate hearing, as they have in 2005 and 2007.

- ‘In practice, no one has ever shown that Texas has even a minor problem with ineligible voters casting ballots. Before they vote they have to register, and at registration they have to present identification. And voter fraud already is illegal. But in Texas and other states, some Republicans hope voter ID bills help suppress Democratic voting.’ *Austin American Statesman* editorial, 1-15-09
- “So far, we don't like what we see. In this case, dropping the two-thirds vote would clear the way for the Senate to consider incendiary, unnecessary legislation that would require voters to present a photo ID before casting a vote.” *Dallas Morning News* editorial, 1-15-09
- GOP state senators spoiled the session kickoff last week with a bare-knuckled power play. The GOP touts voter ID as a preventative for Election Day voter fraud; Democrats counter that impersonation of registered voters at the polls is rare and has not been documented in significant numbers. Several studies have shown that such laws discourage turnout among the elderly, the poor, Hispanics and blacks, groups who tend to vote Democratic and have less access to picture identification.” “Cheap Shot”...*Houston Chronicle* editorial, 1-17-09
- “this week’s move to circumvent the traditional two-thirds rule for legislation requiring voters to have government photo identification was such a bad move.” *San Antonio Express News*, 1-16-09
- “The real reason some Republicans want a voter ID law: If mandated, it might well discourage poor, aged and minority voters — a conclusion drawn partially by the non-partisan League of Women Voters.” *Waco Tribune Herald* editorial, 1-16-09

False Claim – A voter Photo ID requirement in Texas will not cost taxpayers any additional money.

Fact: Implementing a voter Photo ID bill will likely cost millions of dollars, based on fiscal notes from previous Voter ID legislation and nonpartisan expert testimony.

- The fiscal note for HB218, the 2007 Voter ID bill, was \$671,110, the amount the DPS would not collect in fees for free photo ID cards. (<http://www.legis.state.tx.us/tlodocs/80R/fiscalnotes/html/HB00218S.htm>)

- The Senate Finance Committee added a rider to the state budget that would give the Secretary of State \$2 million for "Voter Education" if a Voter ID bill is passed, a number that is probably too low, and the costs to the state do not include the costs this bill would likely impose on local government.
- According to the testimony of Dr. Toby Moore, a former Justice Department official who has studied the Indiana law and actually reviewed the Georgia law while at the Department of Justice, the State of Texas will almost certainly have to spend additional funds in order to comply with the Voting Rights Act. In addition to providing free ID's at current locations, the State will likely have to add more accessible locations and hours, educate thousands of poll workers and the voting public about new ID requirements, develop and prepare accurate data on the effect of the new requirements for submission and review under the Voting Rights Act, and defend the law against potential legal challenges.

False Claim – The US Supreme Court approved Indiana's Voter Photo ID plan, so the Texas plan is safe from legal challenge.

Fact: The Indiana case was a "facial challenge" that did not involve claims that might be filed under the Voting Rights Act or claims based on fact questions related to harm a proposed photo ID law might present to any particular ethnic, racial or age group. For that reason, the decision did not close the door to challenging a Texas photo ID law, if one is enacted. Even the appellate judge who upheld the Indiana law wrote in his opinion that the law harmed Democrats, and to that extent the case the Supreme Court upheld the law because it said no harm to actual voters had been demonstrated, we now have evidence that there has been disenfranchisement of voters in Indiana.

- **We now know that Indiana's law has actually disenfranchised real citizens. In contrast,** no party or *amicus* cited even one case of impersonation at the polls in Indiana to the Supreme Court. **In fact, more real Hoosiers have been disenfranchised by the law in the last two years than the number of reported cases of impersonation at the polls cited to the Supreme Court - from anywhere in the country - in the last two decades.** For example, in limited-turnout local elections in Marion County, Ind. in 2007, 32 voters cast ballots that could not be counted because of the voter ID law. Moreover, these were long-time voters: 14 of them had previously voted in at

least 10 elections. <http://www.brennancenter.org/page/-/Democracy/%20ID-related%20stats.pdf>

- **“No doubt most people who don’t have photo ID are low on the economic ladder and thus, if they do vote, are more likely to vote for Democratic than Republican candidates. Thus the new law injures the Democratic Party by compelling the party to devote resources to getting to the polls those of its supporters who would otherwise be discouraged by the new law from bothering to vote.”** Federal Appellate Judge Posner, in his opinion (MARION COUNTY ELECTION BOARD, *et al.*) upholding the Indiana photo ID law.
- For a detailed analysis and response to the facts presented in the Indiana Supreme Court case, see:
<http://www.truthaboutfraud.org/pdf/CrawfordAllegations.pdf>

False Claim – The Carter-Baker Commission recommended Photo ID laws. Senator Fraser and other Voter ID proponents stated on the Senate floor that the need for enhanced voter identification requirements is based largely on the findings Carter-Baker Commission on Federal Elections, a bi-partisan initiative organized by the American University’s Center for Democracy and Election Management (CDEM).

Fact: Voter ID supporters have misrepresented the Carter-Baker Commission findings.

- In the days after the release of the commission’s report, President Carter and former Secretary Baker stated in an op-ed in the New York Times that their intent had been misconstrued and clarified that ***“until we have universal registration, we cannot make having such an ID be a condition of voting.”*** (Source: Jimmy Carter and James A. Baker III, “Voting Reform Is in the Cards,” The New York Times, Sept. 23, 2005 (op-ed), www.nytimes.com/2005/09/23/opinion/23carter.html?pagewanted=print).
- More recently, Dr. Robert Pastor, Director of the CDEM, cautions strongly against this approach, testifying before Congress last week (March, 2009) that:

“...if (voter IDs) become the entire part of the solution, then they actually become the problem. The other parts to the solution include expanding access through an affirmative role by the states to provide free voter IDs and to expand the base of registered voters to take steps to insure there is no intimidation and also to examine other kinds of election fraud and take steps against them.”

The CDEM has found that partisan posturing on the issue further serves to erode public confidence in our election processes. Efforts to “secure” elections based solely on tightening voter identification requirements without facilitating and funding acquisition of required identification will result in disenfranchisement. Furthermore, more significant threats to the system will continue unfettered.

THE VOTER ID BUREAUCRACY:
Message for Opponents of New Barriers to Voting

Those opposed to passage of restrictive, regressive and duplicative requirements on voters should use a simple message:

These requirements place new bureaucratic walls and endless red tape between voters and the ballot box. They will make it harder for all of us to vote. And that's bad for democracy.

Who is hurt? Women who are recently married or divorced and whose last name has changed, is in the process of changing, or whose address doesn't yet match their ID. College students whose IDs don't match their temporary addresses. Elderly folk with no IDs who, because of illness, infirmity or transportation barriers, can't get one. People who have lost their social security cards. People whose driver's licenses expire on election day. Minorities who have just moved. All of us who are weary of the endless red tape of government.

Why would responsible lawmakers propose new burdens on Texans? There is no evidence of voter impersonation. The reason, then: To get or keep power. The harder it is to vote, the less chance voters have to demand and get change.

The message is designed to appeal to a broad audience. The suppression effects of restrictive voter requirements hit some harder than others. But voter ID may seem like simple common sense to many, and many of them may not be moved by a message that the requirements make it harder on certain "others."

Proponents rely on the simplicity of their message. "People should prove who they say they are before being allowed to vote." A great number of studies can be cited that show new ID burdens hit voter turnout hard. When it's harder to vote, fewer people vote. These studies should be used to reinforce and expand upon the basic message frame above.

In addition, all the difficulties faced by Texans who must deal with social security bureaucracies, driver's license offices, cities, towns or courthouses and birth certificates, transportation woes etc. should see that they now face

these frustrations simply to cast a vote. All the evidence of these bureaucratic hoops – limited hours at various bureaucracies, auto-answer voice-mail system, mail delays, complicated forms – reinforces the core message.

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Voter ID Facts: Voter Impersonation – A Problem that Doesn't Exist

"A person is more likely to be struck by lightning than he is to impersonate another voter at the polls." From *The Truth About Vote Fraud*, a study conducted by the Brennan Center, NYU Law School

Texas AG's Voter Fraud "Investigation" Finds No Cases of Voter Impersonation

- In 2005-2006, Texas' Republican Attorney General Greg Abbott spent at least \$1.4 million tax dollars in a high-profile pursuit of "voter fraud," **but he didn't document or prosecute one case of voter impersonation, the only kind of "fraud" that would be affected by a voter ID bill.**
- A May 18, 2008, analysis by the *Dallas Morning News* reported that Abbott's efforts produced only 26 prosecuted "voter fraud" cases, **and not one case involved voter impersonation.** 18 of the cases involved eligible voters casting **legitimate votes** by mail, but people collecting and mailing in ballots were prosecuted for technical violation. The remaining eight cases were localized, isolated voter fraud cases that required no legal changes for prosecution.

National Studies Show Voter Impersonation is the Rarest Form of Voter Fraud

From 2001-2006, the U.S. Department of Justice has convicted fewer than 100 people of voter fraud – 86 to be exact - out of more than 275 million votes cast in that period, **and voter impersonation cases have been the rarest form of isolated cases of the few voter fraud cases reported.**

"Voter Fraud Examples" in Indiana Case Would Not be Stopped by Photo ID

In briefing filed with the Supreme Court in the *Crawford v. Marion County Election Board* case, the State of Indiana and several of its allied amici failed to provide evidence that in-person impersonation fraud — the only misconduct that photo ID rules could possibly prevent — is a problem. Briefs submitted by the State of Indiana, the Bush administration, the

National Republican Party, members of Congress, and other allies contain more than 250 citations to reports of election problems.

- **Not one of the citations offered by Indiana or its allies refers to a proven example of a single vote cast at the polls in someone else's name that could be stopped by a photo ID rule.**
- Out of 400 million general election votes cast from 2000-2006, the briefs cite one attempt at impersonation that was thwarted without a photo ID requirement, and nine cases where impersonation fraud at the polls was suspected but not proven – that might been due to clerical error. Not one of these cases occurred in Indiana.

http://brennan.3cdn.net/45b89e6d14859b0f8e_i2m6bhcv9.pdf

Justin Leavitt, Brennan Center for Justice, NYU Law School, 12-31-2007

**Photo Voter ID is a Partisan GOP Power Grab
Facts, Their Words, and Nonpartisan and Editorial Opposition Show
GOP Intent**

The Voter ID fight is an unwarranted partisan power grab, and not just another “he said, she said” fight between political parties. Voter ID legislation is part of a nationwide effort spearheaded by partisan Republicans to pass restrictive voting laws on a state-by-state basis.

The GOP power grab pits Republicans against nonpartisan organizations and the weight of numerous academic and bipartisan studies that show voter impersonation – the only thing a photo ID law would address - is a problem that doesn't exist. **However, those studies do indicate that Voter ID proposals suppressing** participation by seniors, renters, the poor, and people of color – all groups that tend to vote for Democrats.

- **“No doubt most people who don't have photo ID are low on the economic ladder and thus, if they do vote, are more likely to vote for Democratic than Republican candidates. Thus the new law injures the Democratic Party by compelling the party to devote resources to getting to the polls those of its supporters who would otherwise be discouraged by the new law from bothering to vote.”** Federal Appellate Judge Posner, in his opinion (MARION COUNTY ELECTION BOARD, *et al.*) upholding the Indiana photo ID law.

The partisan motivation for the GOP power grab is clear in the findings of a 2007 study prepared by researchers from the University of Washington, UC-Irvine and the University of New Mexico: Voter ID Requirements and the Disenfranchisement of Latino, Black, and Asian Voters (Matt A. Barreto, Stephen A. Nuno, Gabriel R. Sanchez)

- Voters with access to multiple forms of ID who would remain largely unaffected by strict ID laws are 3% to 5% more likely to vote Republican. **In jurisdictions with Voter ID Requirements, competitive elections and close outcomes, this could easily change the final vote results in favor of Republican candidates.**
- For example, among the 32 House seats that changed hands from Republican to Democratic control in 2006, our data suggest that **12 of these outcomes would have been reversed under strict voter ID regimes**, with an additional 6 elections being too close to call and headed for recounts.

- **In addition, Democratic victories in the U.S. Senate in Montana, Virginia and Missouri would have been reversed.**
- Registered voters are significantly less likely to possess a driver's license if they are from minority groups, especially blacks and Hispanics, and if they are older. And voters without a valid driver's license or state identification card are more likely to vote in the Democratic primaries, **lending support to the contention that a photo ID requirement would more likely impact Democratic partisans.**

Evidence of a Partisan GOP Push for Photo ID

- A study of the 2004 presidential election prepared by Rutgers and Ohio State Universities for the Federal Election Assistance Commission showed that states with voter I.D. laws experienced turnout reduction of 3% overall, a figure that reached 5.7% among African Americans and 10% among Hispanics. **After the EAC report was released "unofficially," it was suppressed by administration appointees for partisan reasons.**
- The Department of Justice staff recommended a federal Voting Rights objection be filed against a Georgia Voter ID bill that was ruled unconstitutional, but political appointees at DOJ overruled them, just as they did in the infamous Texas re-redistricting case.
- **Virtually all the legislative votes and judicial decisions on photo ID laws have split along near-absolute partisan lines.**
- Royal Masset, the former political director for the Republican Party of Texas, concisely tied all of these strands together in a **May 17, 2007 *Houston Chronicle*** article. Masset connected the inflated furor over voter fraud to photo identification laws and their expected impact on legitimate voters: **Among Republicans it is an "article of religious faith that voter fraud is causing us to lose elections," Masset said.** He doesn't agree with that, but **he does believe that requiring photo IDs could cause enough of a drop off in legitimate Democratic voting to add 3% to the Republican vote.**

From the *Atlanta Journal Constitution*, Sunday, October 05, 2008

http://www.ajc.com/opinion/content/opinion/tucker/stories/2008/10/05/tucker_1005.html

Karl Rove and his minions also know this: In close races, shaving off 1 or 2 percentage points is all you need to claim victory.

A recently unearthed e-mail from a Republican strategist in New Mexico shows the unbridled cynicism that underlies claims about fraudulent voting. Patrick Rogers, former lawyer for the New Mexico Republican Party, was among the party hacks pushing for criminal investigations into alleged voter fraud, hoping that the threat of legal sanctions would intimidate Democrats and aid Republicans, including U.S. Rep. Heather Wilson (R-N.M.), who was in a tight race for re-election. According to a new report from the U.S. Justice Department's inspector general, Rogers wrote in September 2004:

"I believe the [voter] ID issue should be used at all levels — federal, state legislative races and Heather's race. ... You are not going to find a better wedge issue. ... This is the single best wedge issue, ever in [New Mexico]."

That's why New Mexico Republicans were furious when David Iglesias, then U.S. attorney in Albuquerque, refused to prosecute community organizers and ordinary citizens over spurious claims of voter fraud. **They were so angry that they succeeded in getting Iglesias fired, part of a punitive campaign against prosecutors who wouldn't play partisan games with the law.**

Dubious Hidalgo Co. Voter Fraud Allegations Raise Suspicion

Background: On March 4, 2009, less than a week before consideration of a controversial Voter photo ID by the Senate Committee of the Whole, a response by the Secretary of State's office to a Open Records Request revealed documents containing some highly questionable allegations of voter fraud, voter intimidation, and voter impersonation allegedly committed in May 2008 and November 2008 the small Hidalgo County community of Progreso.

Suspicious Allegations and Circumstances

- The documents which surfaced are deeply suspicious. Different people at different times use similar words and style in affidavits notarized months apart by the same notary.
- The allegations focus on the father of the mayor of Progreso and his allies, and involve rather outrageous claims about what was done to secure a single vote.
- The allegations include claims that election workers intimidated voters and denied more voters the right to vote than the number of individuals who allegedly impersonated a voter.
- If election officials themselves are cheating, neither a photo ID nor a DNA test would stop them, but current law is sufficient to prosecute any wrongdoers now that the allegations have finally surfaced.

Why Haven't These Allegations Been Investigated By Now – and Why Weren't They Provided By the Attorney General in Response to Two Legislative Requests?

- As long ago as August 19, 2008, the Secretary of State and the Attorney General were aware of documents alleging fraud in the May, 2008 local elections for months, but never forwarded them to the Hidalgo county District Attorney or even notified him of their existence.
- The Attorney General also failed to provide these documents in response to an official request made in September of 2008 by Rep. Rafael Anchia for all referrals of Election Code violations as part of his work for the House Committee on Elections. In February, 2009,

the A.G. failed to provide these same documents in response to a similar request from Senator Kirk Watson.

- The Attorney General says his office is conducting an ongoing investigation, but claims the case was mistakenly filed under “Dickens Co.,” which does not explain why he failed not once but twice to provide documents from *all* referrals *anywhere in Texas* about Election Code violations requested by legislators, and never forwarded the information to the local D.A.
- In the months these documents were available, did the Attorney General’s contact officials in Dickens County, which is 600 miles from Hidalgo County?
- Were these suspicious documents deliberately withheld so they could be used at “the right time” as a surprise public relations stunt to support a Voter ID bill in a campaign to pass a law that would disenfranchise Texas voters?

Dubious Allegations Typify Rare, Isolated Voter Fraud Claims That Don’t Require Voter ID Law

- Voter Impersonation at the polls – the only type of fraud that could be addressed by a Voter ID law – is rare and almost non-existent. Despite spending millions on a 2005-2006 Voter Fraud crusade, the Attorney General did not prosecute one case of Voter Impersonation. The Bush Justice Department netted only 86 prosecutions nationwide from 2001-2006, out of millions and millions of votes cast.
- The Hidalgo County charges are typical of these rare allegations: they are isolated cases involving local officials that do not indicate anything remotely resembling systematic, widespread fraud. Cases such as these can be prosecuted under current law, absent a Voter photo ID law that would disenfranchise many voters.
- Hidalgo County D.A. Rene Guerra says that if there is a legitimate problem, such irregularities usually occur in non-partisan local elections of small governmental entities such as school districts, water districts, and municipalities, some of which decline to contract the

administration of their elections to the county election administrator's office. He says that if he were to recommend an amendment to the Election Code, it would not be to increase the burdens placed on honest voters attempting to cast their ballots, but instead to further professionalize the administration of elections by requiring small governmental entities to contract with their county's elections administrator, instead of administering those elections themselves.

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The Effect of Voter ID Laws at the Polls: Confusion and Votes that Will Not Be Counted

"A photo ID law would make voting harder and more confusing for everyone by placing new bureaucratic barriers between the voter and the ballot box."

- **New ID requirements for every voter** would cause confusion and **long lines at the polls** as election judges verify additional ID, even for people who have voted in their communities for years with a valid voter registration card.
- Many voters could be denied regular ballots because information on a photo ID may appear different from the address where a person is legitimately registered to vote, even though a photo ID should not be used for any purpose but "recognition." **As a matter of law supported by a Secretary of State opinion issued in 2004, the photo ID does not determine residency for voting.**
- **A legitimate voter could be denied the right to cast a regular ballot because a photo on a photo ID may not look like that same person on Election Day.** For example, it is possible to keep the same driver's license photo for as long as 12 years, and people change appearance.
- **Confusion about conflicting addresses on photo ID's and voter registration cards could cause many voters to be denied a regular ballot** even if they have a valid voter registration card for the precinct where they live.
- **Women, the elderly, renters, college students and newly registered voters are less likely to have additional ID that matches information on the voting rolls, and many don't change the address or photo on a photo ID until renewal.** Examples include: a student's driver's license with a school address; a newlywed or divorcee who has changed her name on a driver's license or voter registration but not the other; a person who has moved and has different addresses on a photo ID than the poll list

- Elderly voters already have enough difficulty getting to the polls, and they could be denied the right to vote a regular ballot when they show up at the polls with only a valid voter registration card - like they always have. **These elderly voters, many of whom don't drive and are less likely to have photo ID,** would be offered a provisional ballot that may not be counted unless they went through the added difficulty of going home for necessary ID then returning to vote
- **Many election officials are already confused about voter ID requirements,** and could improperly demand by a photo ID (as some already do improperly without a photo ID law) even if presented other acceptable forms of non-photo ID – again forcing eligible voters to cast provisional ballots.

Fast Facts on the Impact of Photo ID: The Data

By Justin Levitt, Brennan Center for Justice, April 2008
<http://www.brennancenter.org/page/-/Democracy/%20ID-related%20stats.pdf>

The following is an excellent summary of facts from a number of studies on Photo ID

We now know that Indiana's law has actually disenfranchised real citizens. In contrast, no party or *amicus* cited even one case of impersonation at the polls in Indiana to the Supreme Court. In fact, more real Hoosiers have been disenfranchised by the law in the last two years than the number of reported cases of impersonation at the polls cited to the Supreme Court — from anywhere in the country — in the last two decades.

Actual elections

- For example, in limited-turnout local elections in one Indiana county (Marion) in 2007, 32 voters cast ballots that could not be counted because of the voter ID law. Moreover, these were long-time voters: 14 of them had previously voted in at least 10 elections.
- Similarly, in limited turnout local elections in 2007 in Georgia — the only other state that requires photo ID at the polls to vote a valid ballot — 33 voters' ballots were rejected because of the ID law. In the 2008 presidential primary, the number grew to hundreds. It is impossible to know how many other voters without ID came to the polls but did not cast provisional ballots (which wouldn't have counted anyway), or how many declined to make the trip to the polls in the first place (which would have been futile).

Surveys of registered voters

- Researchers have also surveyed voters to assess the impact of photo ID laws on the electorate. A 2007 academic study found that **13.3%** of registered Indiana voters ($\pm 3.1\%$) did not have a current government-issued photo ID card. The same study found that:
 - 18.1% of black registered voters (compared to 11.5% of white voters)
 - 20.3% of registered voters 18-34 (compared to 9.4% of voters 55-69)

- 16.4% of registered voters over 69 (compared to 9.4% of voters 55-69)
 - 16.7% of voters without a college degree (compared to 7.9% of voters with a degree)
 - 17.5% of voters earning < \$40,000/ year (compared to 11-12% of others)
- in Indiana did not have a current government-issued photo ID card. All of these differences were statistically significant.

- These same academic researchers also conducted an exit poll study based on the 2006 elections in three counties in California, New Mexico, and Washington. Surveying actual midterm voters, the researchers found that **12%** of actual voters reported that they did not have a valid state driver's license. The same study found that:
 - Nonwhite voters were 9.8% less likely to have a valid license than white voters
 - Voters over 65 were 8.1% less likely to have a valid license than younger voters
 - Voters with no high school diploma were 5.6% less likely to have a valid license than voters with a graduate degree, and
 - Voters making less than \$20,000 per year were 4.0% less likely to have a driver's license than voters making more than \$100,000.

- In 2008, the Executive Director of the Carter-Baker Commission released a study of registered voters in Indiana, Maryland, and Mississippi. The study found that 1.2% of registered voters had no government-issued photo ID, but did not ask if the ID was current. Even this modest result amounts to an impact reaching more than **two million** registered voters if applied nationwide. The same study found that 2.2% of black registered voters (compared to 0.9% of white voters) lacked government-issued photo ID, though that difference was not statistically significant, due to small sample size.

Surveys of eligible voters

- Researchers have also surveyed eligible voters, including registered and non-registered

voting age citizens. A 2006 national survey by an independent survey firm, and sponsored by the Brennan Center, found that **11%** of voting-age citizens ($\pm 2\%$) did not have current government-issued photo ID. The same study found that:

- 18% of citizens 65 and above
 - 25% of black voting-age citizens (compared to 8% of white citizens)
 - 16% of Hispanic voting-age citizens (compared to 8% of white citizens)
 - 20% of nonwhite voting-age citizens (compared to 8% of white citizens), and
 - 15% of citizens earning < \$35,000/year (compared to 7% of others)
- did not have a current government-issued photo ID card. All of these differences, except for the Hispanic citizens alone, were statistically significant.

• The 2007 academic study of Hoosiers was cited above with respect to registered voters, but it also surveyed voting-age citizens in Indiana, both registered and not. That study found that approximately **16.1%** of voting-age Indiana citizens did not have a current government-issued photo ID card.¹¹ That same study found that 26.6% of black voting-age citizens had no current government-issued photo ID card, compared to 13.6% of white voting-age citizens.

Estimates using government records

• Private researchers and government entities have tried to quantify the number of their voting-age citizens without government-issued photo ID, usually by comparing census tabulations to motor vehicle records. The 2005 Carter-Baker Commission, for example, estimated that **12%** of voting-age Americans do not have a driver's license.¹² Research collected by its predecessor, the 2001 Carter-Ford Commission, showed that 5-10% of voting-age Americans had neither driver's licenses nor other state-issued photo ID.

• A 2005 study by researchers at the University of Wisconsin-Milwaukee estimated that approximately **20%** of Wisconsin voting-age residents did not have a driver's license or state-issued photo ID. The same study also found that, of Wisconsin residents:

- 23% of residents 65 and above

- 52% of nonwhite residents 18+ (compared to 17% of white residents)
 - 78% of black men 18-24 (compared to 36% of white men 18-24)
 - 63% of Hispanic women 18-24 (compared to 25% of white women 18-24)
- did not have a driver's license or state-issued photo ID.

- The Georgia chapter of the AARP has estimated that about 153,000 Georgians older than 60 who voted in 2004 do not have government-issued photo ID. It has also estimated that 36 percent of Georgians over age 75 do not have a driver's license.

- Several states have also tried to quantify the number of their registered voters without photo ID, usually by comparing registration lists to motor vehicle records. Such methods have been critiqued, particularly when either motor vehicle records or registration lists are substantially outdated, reflecting individuals who have died or moved out of state.

- In 2006, the Michigan Secretary of State estimated that about 370,000 (5%) of the

state's registered voters had no driver's license or state-issued photo ID.¹⁶

- The Missouri Department of Revenue estimated that 169,215 registered Missouri voters did not have the required photo ID in that state; the Secretary of State estimated that approximately 240,000 registered voters did not have the right ID.¹⁷

- In Georgia, estimates have ranged from 198,000 registered voters to 676,246

registered voters without driver's licenses or state-issued photo ID, but both estimates have been heavily criticized.

Studies of turnout

- Another set of studies tries to estimate the impact of restrictive ID laws on voter turnout, by analyzing past voting patterns and trying to extrapolate the degree of change in any given election based on the ID laws. These studies' methods vary, and there are substantial differences in the results, and substantial disputes about the validity of each approach. Only a few studies analyze data from 2006, the first federal election in which a photo identification law was actually in place.²⁰ Moreover, even these studies are constrained by the limited pool of data, because only a few elections have taken place under the new restrictive laws.

Studies of voter attitudes

- On the other side of the coin, some seek to justify restrictive ID laws, despite their demonstrated impact on American citizens, by claiming that they will increase public confidence in the election process. A careful new study, forthcoming in the *Harvard Law Review*, casts serious doubt on the validity of such assertions. The data show no support for the notion that requiring identification will increase voter confidence; the study found no statistically significant correlation between the rate at which citizens were asked to produce photo ID and their perception that either voter fraud generally, or voter impersonation in particular, exists. That is, there appears to be no empirical confirmation thus far that photo ID laws make citizens feel more secure about their elections.

Voter ID Facts: Unsubstantiated, Exaggerated Voter Fraud Claims Drive GOP Voter Photo ID Agenda

“The Voter Fraud phantom drives policy that disenfranchises legitimate voters without a corresponding policy benefit.”

Voter ID supporters often make exaggerated claims that thousands of dead people or non-citizens are on voter rolls, raising the specter of massive voter fraud. However, without exception, these claims have proven inaccurate when thoroughly examined.

GOP Sees Dead People Voting, but They Aren't

- Just before the 2008 election, a so-called watchdog group - “Texas Watchdog” - claimed “6,000 dead people could vote,” but an investigation by the Dallas County Elections Office and the *Dallas Morning News* found no voter fraud and found that **none of the 48 “possible cases” later identified by Texas Watchdog involved a dead person.** Instead, most of these cases involved clerical or technical errors where a worker marked the wrong name in a poll list or coded voter rolls incorrectly. (Source: *Dallas Morning News*, 12-13-08)
- Similar claims about dead people voting were made in Georgia, 5,412 votes were alleged to have been cast by deceased voters over the past 20; in New Jersey in 2004, where 4,755 deceased voters were alleged to have cast a ballot; and in New York in 2002 and 2004, where 2,600 deceased voters were alleged to have cast a ballot. **In each of these cases, follow up investigations again found that flawed matches of voter rolls to death lists, as well as clerical errors, were the culprit, and found no fraud.** (Source: www.truthaboutfraud.org, Brennan Center for Justice).

GOP Sees Non-citizens Risking Deportation to Vote, But They Aren't

- **Former Harris County Tax Assessor Collector Paul Bettencourt** made claims in the past that as many as 3,000 non-citizens may be registered to vote in Harris County, citing anecdotal information involving things like individuals who used “non-citizenship” as an excuse to get out of jury service. However, in the “evidence”

Bettencourt provided to the **Texas House Elections Committee**, he produced a list of only 22 “non-citizens” who may have voted from 2004-2007. Of those the committee was able to contact, **only one non-citizen actually voted in a local school bond election. Other individuals turned out to be citizens, and some were registered by error in Bettencourt’s office even though they checked “non-citizen” on their application.**

- **A “major” Department of Justice initiative resulted in just 14 convictions of non-citizen voters nationwide from 2002 to 2005 - less than 5 non-citizens voters a year.**
- Investigations of similar allegations of non-citizen voting in Washington, Wisconsin, Hawaii, and California found that only a handful, *if any*, of the alleged ineligible voters were actually non-citizen. Many of the alleged cases involved inaccurate database matching with voter rolls or other clerical errors, and others involved eligible, newly-naturalized citizens voting legally. (Source: www.truthaboutfraud.org, Brennan Center for Justice).

Related Newspaper Coverage

- It made for a tantalizing news story: Thousands of people who cast votes in the 2004 presidential election in New Jersey were actually dead. Newspapers wrote articles with grabber headlines like “GOP Sees Dead People.” **Except that a more careful analysis of the allegations found flaws in the match between the voting rolls and death lists, and none of the claims was ever substantiated.** And yet lurid tales of massive fraud continue. **It’s enough to make a citizen wonder if what is going on is really voter suppression.** (*Boston Globe* editorial, 12-13-07)
- **“Colyandro was not able to provide a specific number of illegal immigrants who had voted in Texas, but he cited anecdotal evidence that suggested the number is large.”** (*Nacogdoches Daily Sentinel*, 9-14-07, in an article about an appearance by Texas Conservative Coalition Director, John Colyandro, who remains under indictment in the Tom DeLay money laundering case)

- <http://www.nytimes.com/2007/04/12/washington/12fraud.html?hp>

WASHINGTON, April 11 (2007) — **Five years after the Bush administration began a crackdown on voter fraud, the Justice Department has turned up virtually no evidence of any organized effort to skew federal elections**, according to court records and interviews.

Although Republican activists have repeatedly said fraud is so widespread that it has corrupted the political process and, possibly, cost the party election victories, about 120 people have been charged and 86 convicted as of last year.

Most of those charged have been Democrats, voting records show. Many of those charged by the Justice Department appear to have mistakenly filled out registration forms or misunderstood eligibility rules, a review of court records and interviews with prosecutors and defense lawyers show.

Texas Editorials Oppose Voter ID in 2009, Just as They Did in 2007

- ‘In practice, no one has ever shown that Texas has even a minor problem with ineligible voters casting ballots. Before they vote they have to register, and at registration they have to present identification. And voter fraud already is illegal. But in Texas and other states, some Republicans hope voter ID bills help suppress Democratic voting.” *Austin American Statesman* editorial, 1-15-09
- “So far, we don't like what we see. In this case, dropping the two-thirds vote would clear the way for the Senate to consider incendiary, unnecessary legislation that would require voters to present a photo ID before casting a vote.” *Dallas Morning News* editorial, 1-15-09
- Just when it appeared that the Texas Legislature was putting partisan politics behind it..., GOP state senators spoiled the session kickoff last week with a bare-knuckled power play. The GOP touts voter ID as a preventative for Election Day voter fraud; Democrats counter that impersonation of registered voters at the polls is rare and has not been documented in significant numbers. Several studies have shown that such laws discourage turnout among the elderly, the poor, Hispanics and blacks, groups who tend to vote Democratic and have less access to picture identification.” “Cheap Shot”...*Houston Chronicle* editorial, 1-17-09
- “Republicans still control the Texas Senate, but demographic trends could change that in coming elections. In part, that's why this week's move to circumvent the traditional two-thirds rule for legislation requiring voters to have government photo identification was such a bad move.” *San Antonio Express News* editorial, 1-16-09
- “the voter ID bill...is, at best, a needless diversion when lawmakers must stay focused on issues like our children's education, the roads we drive and how state government can make do with less. The real reason some Republicans want a voter ID: If mandated, it might well discourage poor, aged and minority voters — a conclusion drawn partially by the non-partisan League of Women Voters.” *Waco Tribune Herald* editorial, 1-16-09

- **“Where's the problem? Supreme Court ruling a green light for partisan efforts masquerading as vote fraud prevention.** There's a reason why Republican-controlled legislatures are enacting voter ID laws: The voters most likely to be without the required identification are the poor and the elderly, prime Democratic Party constituents whose turnout rate is lower than average to begin with.” *Houston Chronicle* editorial, 4-29-08
- This bill (voter ID), if it passes the Senate and becomes law, would take Texas back to the bad old days of poll taxes and literacy tests. It's a voter suppression bill, pure and simple.” *Austin American Statesman*, 4-26-07
- “Not only is the legislation (Voter ID) unjustified, if enacted it could disenfranchise large numbers of the elderly, the poor and minorities.” *Houston Chronicle*, 4-26-07
- “...absent any evidence of serious security breaches at the polls, access to the voting booth needs to remain as unimpeded as it is today. The state Senate would be wise to stop this bad idea.” *Dallas Morning News* April 25, 2007
- “The architects of this idea, pitched as a noble effort to prevent voter fraud, cannot be allowed to succeed with what is surely one of the greatest assaults on the right to vote in this state since passage of the federal Voting Rights Act in 1965.” *Fort Worth Star-Telegram*, 4-23-07
- “When asked for evidence that the problem is rampant in this great and vast state, partisans who cry ‘voter fraud’ are strangely silent.” *Waco Tribune*, 4-25-07
- “Putting more procedural hurdles in the way of voters is precisely what the doctor did not order. In fact, it conjures up memories of the old poll-tax days, when the system actively discouraged voting by all but the “right” groups.” *Corpus Christi Caller-Times*, 4-25-07

Voter ID: Women, Students Less Likely to Have Photo ID Address and Name Changes, Polling Place Enforcement and Barriers to Obtaining ID Create Additional Problems

Who Doesn't Have an ID?

- Eleven percent of Americans surveyed by the Brennan Center for Justice do not have government-issued photo ID, such as driver's licenses or state-issued non-driver's photo ID. According to U.S. Census data, that amounts to **greater than 21 million citizens**. (Source: Citizens Without Proof, A Survey of Americans Possession of Documentary Proof of Citizenship and Photo Documentation, Brennan Center for Justice, New York School of Law. November 2006.)
- Those without photo ID are disproportionately the elderly, **students, women, people with disabilities**, low income people and people of color. According to disability advocates, **nearly 10% of the 40 million Americans with disabilities do not have any state-issued photo ID**. (Source: Center for Policy Alternatives)

Women Less Likely to Have Photo ID

In addition to the data presented below, there is ample anecdotal evidence that suggests factors like name changes related to marriage and divorce, among other factors that make it less likely a woman will have a current name and address on a photo ID that matches the name and address on the voter list. **Of all Americans without a license:**

- **Women are more than twice as likely as men not to have a drivers' license.**
- **One of every five senior women does not have a license.**
- **Over 70% are women.**

(Source: US Census Bureau Detailed Tables. "Sex by Age Total Population." July 24, 2006. Federal Highway Administration. "Licensed drivers, by State, sex, and age group." July 24, 2006)

Effect of Address Changes and Photo ID That Doesn't Match Voter's Current Address Impacts Students, Lower Income Americans

Even among those citizens who do have driver's licenses, a substantial percentage does not show their current address.

- The US Census reports that Americans have an annual mobility rate of 14%. Hispanics and Blacks have an annual mobility rate of 18%, while those with incomes below the poverty level are almost twice as likely to move (24%) as those with incomes above the poverty level (13%). (Source: US Census Bureau. American Communities Survey 2004 Subject Tables: Geographic Mobility by Selected Characteristics. July 24, 2006).
- If an ID card such as a driver's license does not contain the voter's current address, he or she is likely to be turned away from the polls. **In Wisconsin, for example, 97% of all students do not have their current address on their photo ID**. (Source: Pawasarat, John. "The Driver License Status of the Voting Age Population in Wisconsin." Employment and Training Institute, University of Wisconsin - Milwaukee: June 2005. May 10, 2006)

Polling Place Enforcement Not Fair and Unbiased

Even if they have valid ID, many eligible voters will be turned away.

- Voter ID requirements place an inordinate amount of discretion in the hands of overworked poll workers. **State election systems are underfunded, and do not have the resources to adequately train poll workers.**
- Most Voter ID laws do not explain how disputes over the validity of an ID card should be handled, and **that can easily open the door to widespread racial and ethnic discrimination at polling places.**
- Even under the more lenient requirements of the Help America Vote Act, ID provisions are often implemented in a discriminatory way. **According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID at the polls - in states where no ID was required.** In New York City, where there is no ID requirement, a study showed that 1 in 6 Asian Americans were asked for ID, while white Americans in the same study were not asked for ID. (Source: Brennan Center for Justice at New York University School of Law, "Voter Identification")

The 2009 Poll Tax: When the State pays for the ID, It's Still Not Free

Costs can be a significant barrier to obtaining a photo ID. Even when the ID itself is free, there are substantial hidden costs

- For those least likely to have photo ID, consider the cost of transportation to various agencies, fees related to acquiring supporting documents like birth certificates, and lost wages while visiting agencies during office hours.
- Support for free ID programs is subject to the mercy of the appropriations process
- There is a cost for birth certificates and other documents necessary to obtain photo ID.

Enforcing a Voter ID Law at the Polls: Potential for Discrimination, Abuse, Confusion and Long Lines

The proposed SB362 does not explain how disputes over the validity of an ID card should be handled, and **that can easily open the door to widespread discrimination at polling places.** New Voter ID requirements would be enforced by thousands of \$7 an hour poll workers, many of whom are poorly trained. Academic studies show that individual poll workers apply the law differently, which makes the application of a Voter ID law subject to discrimination, abuse and confusion.

Academic Studies on "Street Level Enforcement" Show Potential for Discrimination

- A 15 state study of elections in 2007 and the 2008 Super Tuesday Primary conducted by academicians from CalTech, MIT, Harvard and the University of Utah, found that **African-American voters were 14% points more likely to be asked for photo ID than whites – a consistent finding in all states, regardless of their ID requirements. Hispanics were 18% more likely than Whites to be asked for photo ID in states with the minimal HAVA requirements.** These results suggest a significant disparity in the experience of voters, depending on their race.
- The same study also showed a wide disparity in enforcement of Voter ID laws on a regional basis and between individual states, finding that **"many voters may be facing *de facto* voter identification requirements that are contrary to state law — either being required to show one when it isn't required, or being given a free pass when it is required."**

<http://web.mit.edu/cstewart/www/papers/performance.pdf>

- A study of the 2006 and 2008 elections by Stephen Ansolabehere of *Harvard University* show considerable racial differences in the application of Voter ID laws. **In the 2006 general election, 47% of white voters reported being asked to show photo ID at the polls, compared with 54% of Hispanics and 55% of African Americans. In the 2008 Super Tuesday primary states, 53% of whites were asked to show photo ID, compared with 58% of Hispanics and a staggering 73% of African Americans.** These racial differences persisted upon holding constant income, education, political party, age, region, state laws, and other factors.
- Quoting Dr. Ansolabehere: "These surveys provide the first individual-level data that poll workers commonly ask voters for photo identification, even in places where they are not allowed to. **The data further show that poll workers do not administer this procedure fairly or without regard to race, which raises the important possibility that in practice voter identification procedures violate the Voting Rights Act.**"

- A CalTech/MIT study of New Mexico's new Voter ID law found that Hispanic men are much more likely to be required to show ID than other voters, and concluded: **"On some level discrimination at the polls is occurring, even if only in an unbalanced application of the voter identification law.** If poll workers are using surname as a cue to ask for voter identification, this may suggest that poll workers are more suspicious of Hispanics and men in particular of committing voter fraud. **If Hispanics, men or Hispanic men are cued into this subtle and quasi-legal form of discrimination, it may deter them from going to the polls, especially if they lack proper identification or are unclear about their voting rights."**

http://vote.caltech.edu/drupal/files/working_paper/vtp_wp59.pdf

- **According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID at the polls - in states where no ID was required.** In New York City, where there is no ID requirement, a study showed that 1 in 6 Asian Americans were asked for ID, while white Americans in the same study were not asked for ID. (Source: Brennan Center for Justice at NYU School of Law, "Voter Identification")

Voters Could Be Denied By Address Matches, Name Changes and Mobility

Some election workers would attempt - as some already do - to use information from the photo ID that shows a different address or a different name due to marriage or divorce, to improperly deny eligibility to vote for those whose ID information did not match the information on the voter card and voter rolls, **even though residency for voting purposes can not be determined by a photo ID, according to a 2004 opinion from the Secretary of State.**

- **Women, the elderly, college students and those who have recently moved** (especially more mobile lower income renters) **are less likely to have additional ID that matches information on the voting rolls, and many don't change the address or photo on a photo ID until it's up for renewal.**
- Due to factors like name changes related to marriage and divorce, women are more likely to have a different name on a photo ID than the name on the voter list.
- If an ID card such as a driver's license does not contain the voter's current address, he or she is likely to be turned away from the polls. **In Wisconsin, for example, 97% of all students do not have their current address on their photo ID.** (Source: Pawasarat, John. "The Driver License Status of the Voting Age Population in Wisconsin," University of Wisconsin - Milwaukee: June 2005. May 10, 2006).
- Even among those citizens who have driver's licenses, a substantial percentage does not show their current address. Americans have an annual mobility rate of 14%. Hispanics and Blacks have an annual mobility rate of 18%, while those with incomes below the poverty level are almost twice as likely to move (24%) as

those with incomes above the poverty level (13%). (Source: US Census Bureau. American Communities Survey 2004 Subject Tables: Geographic Mobility by Selected Characteristics. July 24, 2006).

- Examples include: a student's driver's license with a school address; a newlywed or divorcee who has changed her name on a driver's license or voter registration but not the other; a person who has moved and has different addresses on a photo ID than the poll list

Voter Denied Because "Photo Doesn't Look Like You"

- In Texas, a driver's license is only renewed every six years, and a good driver can keep the same photo for 12 years with one "automatic" renewal. **After 11 or 12 years, a voter may not look like his or her picture on the photo ID, and that legitimate voter could be denied the right to cast a regular ballot by improper "enforcement" of a Voter ID law by a poll worker.**

Confusion and Long Lines at the Polls

- **Confusion related to Voter ID enforcement at the polling place could cause many voters to be denied a regular ballot even if they are eligible to vote at the same polling place where they have voted for years.**
- Confusion could also lead to **long lines at the polls** as election judges verify additional ID, and those lines could discourage participation.
- Elderly voters already have enough difficulty getting to the polls, and they could be denied the right to vote a regular ballot when they show up at the polls with only a valid voter registration card - like they always have. **These elderly voters, many of whom don't drive and are less likely to have photo ID,** would be offered a provisional ballot that may not be counted unless they went through the added difficulty of going home for necessary ID then returning to vote

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Tuesday, January 25, 2011 4:32 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: This witness - bad guy

This witness, incidentally, was one of the co-counsels in the NW Austin MUD case that went to the US Supreme Court, in which the actual goal of the case was to get Texas out of Sec. 5 preclearance requirements - this guy isn't very concerned about voting rights. Somebody might want to question him about that, specifically his opinion on whether Texas should even be required to seek pre-clearance for voting procedures changes.

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Tuesday, January 25, 2011 4:59 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: This witness - Dr. Tijerina

Our witness, Dr. Andres Tijerina, has no suggested questions in the previously-distributed suggested questions I emailed last night, because I had not had the opportunity to talk with him until today.

He would like to be asked the following:

1. Is there any evidence that otherwise-innocuous or beneficial election laws may have actually had the intent to disenfranchise Mexican-American voters?
2. Is there any evidence that old historical discriminatory actions are relevant or applicable today?

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Monday, January 24, 2011 12:28 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: VID Working Group: Duncan news clip on Tuesday hearing

Just in case the plan suddenly changes today and they start into the hearing on the bill, here's a newspaper article in Duncan's home district, in which he makes clear that the hearing on the bill won't begin until Tuesday:

<http://www.gosanangelo.com/news/2011/jan/22/duncan-charged-with-shepherding-voter-id-bill/>

(i.e., if they go into a PUBLIC hearing today, the Rs will have done everything they could do to make sure the PUBLIC was unaware)

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Saturday, January 22, 2011 6:06 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: VID Working Group: add'l materials from Luis Figueroa
Attachments: Crawford.pdf; ATT00001.htm; TexasVRA.pdf; ATT00002.htm; erroneous_election_flyer_Tarrant County 2007.pdf; ATT00003.htm; MALDEF VOTER ID.ppt; ATT00004.htm; Maricopa PPE analysis_Tammy_Patrick (2).pdf; ATT00005.htm

Luis Figueroa sent some requested items to several of the group so I wanted to share with all.

Begin forwarded message:

From: "Luis Figueroa" <lfigueroa@MALDEF.org>
Date: January 22, 2011 5:33:42 PM CST
To: "Harold Cook" <hc@haroldcook.com>, "David Edmonson" <David.Edmonson@senate.state.tx.us>, "Amber Hausenfluck" <Amber.Hausenfluck@senate.state.tx.us>, <richard.sooksiasian@senate.state.tx.us>
Cc: "Laurie Vanhooose" <austintransplant@gmail.com>
Subject: Additional materials for Voter ID Senate Committee hearing

Attached:

- 1) Crawford v. Marion County- Supreme Court ruling that upheld Indiana's strict voter id legislation.
Distinguishing points:
 - 1) Texas is a section 5 state with a much larger minority population than Indiana
 - 2) Indiana provided a 10 day cure period after the election where as SB 14 only provides 6 days
- 2) Texas Voting Rights Act Report page 8-13 describes the history of voting discrimination in Texas.
- 3) Deceptive Elections Flyer given to minority voters in Tarrant County in 2007. Example of fraud that is substantiated and unprosecuted because there is no law on the books to address.
- 4) Voter Id power point. Pages 4-8 layout the studies demonstrating impact of voter identification laws on minority electorate.
- 5) Maricopa County Analysis of Conditional Provisional Ballots in Arizona after their implementation of a voter id(proposition 200) that mirrored last year's Tx Senate Voter ID Bill (SB 364). Conditional Provisional Ballots were given to voters that lacked the ID documents in Arizona meaning these ballots are separate from regular provisional ballots.

Luis Figueroa
MALDEF
Legislative Staff Attorney
110 Broadway
Suite 300

San Antonio, TX 78205
LFigueroa@maldef.org
210-224-5476 ext. 212

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Friday, January 21, 2011 3:44 PM
To: Steve Scheibal; Amber Hausenfluck; Ray Martinez; David Edmonson; Debra Gonzales; Will Krueger; Jason Hassay; Lara Wendler; Micah Rodriguez; Dan Buda; Graham Keever_SC; Sara Gonzalez; Oscar Garza; Gonzalo Serrano; Sushma Smith; Harold Cook
Subject: VID Working Group: Indiana court case

To close the loop on a question asked earlier in the staff meeting regarding the eventual result of court action there following a state appeals court striking down the law, according to this news account, the state Supreme Court eventually upheld the law:

<http://www.theindychannel.com/news/24092831/detail.html>

(thanks to Sonya on WD's staff for finding this)

Sean Griffin

From: Amber Hausenfluck
Sent: Monday, January 24, 2011 7:52 PM
To: David Edmonson; Graham Keever_SC; Dan Buda; Debra Gonzales; Harold Cook; Steve Scheibal; Ray Martinez; Will Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: RE: Amendments
Attachments: Matching Address Amendment.doc; Funded & Certified Amendment.docx; 2 forms of ID Amendment.docx

Senator Van de Putte is interested in the following:

1. 2 alternative forms of ID (taken from SB 382 from the 81st)
2. Changes in the law do not take effect unless the comptroller determines that the legislature has appropriated the amount of money appropriate entities that is necessary to fully fund the implementation of this Act. The Changes in law do not take effect unless the Secretary of State has received certification from every county that they have completed the training and outreach designated in SB 14.
3. Mandating the poll workers check ID's for the sole purpose of identity and not to check where one lives

The talking points for the above amendments are attached.

I will bring the other amendments Senator Van de Putte had drafted to the floor tomorrow in case anyone wants to offer any of them.

Thanks,

Amber Hausenfluck
Deputy Legislative Director
Senator Van de Putte, R.Ph.
E1.610
512-463-0126
amber.hausenfluck@senate.state.tx.us

From: David Edmonson
Sent: Monday, January 24, 2011 6:14 PM
To: Graham Keever_SC; Dan Buda; Debra Gonzales; Harold Cook; Amber Hausenfluck; Steve Scheibal; Ray Martinez; Will Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: RE: Amendments

Sen. Ellis is still going with the three I outlined yesterday. A few staffers have talked to me about their boss signing on to one of the amendments. **If your boss is interested in signing on, have them talk to Ellis tomorrow morning to physically sign the amendment.**

I've attached the text and a Q&A for each amendment as background. Thanks,

David

From: Graham Keever **On Behalf Of** Graham Keever_SC

Sent: Monday, January 24, 2011 6:02 PM

To: Dan Buda; Debra Gonzales; Harold Cook; Amber Hausenfluck; Steve Scheibal; Ray Martinez; David Edmonson; Will Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith

Subject: Amendments

As of right now, we're running with the Medicare card amendment only.

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Monday, January 24, 2011 8:47 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Cc: Laurie Vanhooose; Luis Figueroa
Subject: Questions to Frasier - MALDEF

The following are questions MALDEF hopes Senate Democrats will ask Senator Frasier tomorrow morning:

1. What is the voter required to present in order to receive the free personal identification certificate under Section 18 bill? Is a person required to present a birth certificate or other types of identification to receive the "free" identification?
2. Why were student id's omitted from the list of acceptable documentation? Why were birth certificates omitted from the list?
3. Are there any provisions to allow students who have out of state identification or who have different addresses on their DL and voter registration certificate to be able to vote a regular ballot?
4. Are there any provisions in the bill to accommodate a voter that has a different address on their voter registration card and their photo ID?
5. If a voter returns to the elections department to cure their provisional ballot, what are they expected to show as identification to ensure that their provisional ballot is counted?
- 6.) Are there any provisions to accommodate or address eligible voters whose last name on their driver's license does not match their voter registration, such as recently married women?
- 7) To implement this legislation, the state must put in substantial money for training and extensive public education. How is this bill funded?
- 8) Why is a voter only allowed to return with 6 days rather than the 10 day requirement in Indiana?
- 9) Would you agree that Texas has more larger proportion of minorities demographically than Indiana?
- 10) Texas is a covered jurisdiction under section 5 of the Voting Rights because of its history of discrimination right?
- 11) Have any studies been done in Texas to determine the impact of this bill on Latino and African

American voters?

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

Sean Griffin

From: Dan Buda
Sent: Monday, January 24, 2011 11:25 AM
To: Oscar Garza; Graham Keever_SC; Steve Scheibal; Harold Cook
Cc: Jason Hassay; Debra Gonzales; Amber Hausenfluck; Ray Martinez; David Edmonson; Will Krueger; Graham Keever; Micah Rodriguez; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Sushma Smith
Subject: RE: Amendments request por favor?

Here's a list of Davis amendments. Some of these may be repetitive and some may not pan out, but here's everything:

- Uniform statewide registration system, including expanded voter registration outreach including more offices, mobile offices; state outreach to inform voters of registration status, locations of precincts; allow voters to verify and make corrections to their registration 30 days prior to elections; voter assistance hotlines/websites prior to election day (not just on election day); ombudsmen at state level to address cases of abuse against voters
- Uniform procedures for counting provisional ballots, required training of poll workers on the use of provisional ballots
- Required notification to voters who are taken off voter registration lists for any reason
- Automatic absentee ballots sent to disabled voters
- Allow people whose names aren't spelled correctly on ID to offer other proof of identity or sign affidavit (women who have different last names due to marriage/divorce, spelling errors on ID cards or voter registration lists, etc.)
- State required to provide free documents for anything that one would need to get a voter ID card (birth certificates, etc.)
- Voter ID cards cannot be used to verify residency - only can be used to verify ID

Also, has anyone had a discussion about whether we're offering amendments in Committee of the Whole or when the bill gets to the floor?

Dan Buda
Chief of Staff
State Senator Wendy Davis
(512)463-0110
dan.buda@senate.state.tx.us

From: Oscar Garza
Sent: Monday, January 24, 2011 9:28 AM
To: Graham Keever_SC; Steve Scheibal; Harold Cook
Cc: Jason Hassay; Debra Gonzales; Amber Hausenfluck; Ray Martinez; David Edmonson; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Sushma Smith
Subject: RE: Amendments request por favor?

We are considering the following, but haven't made a decision yet. Seems like everyone is thinking the same things here.

- Allowing a Medicare card as a form of ID
- Last sessions identification requirements
- Changing the age from 70 to 65
- The Ogden Amendment
- English and Spanish requirements

Oscar Garza
Legislative Assistant
Senator Juan "Chuy" Hinojosa
(512) 463-0120

From: Graham Keever **On Behalf Of** Graham Keever_SC

Sent: Monday, January 24, 2011 9:22 AM

To: Steve Scheibal; Harold Cook

Cc: Jason Hassay; Debra Gonzales; Amber Hausenfluck; Ray Martinez; David Edmonson; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith

Subject: RE: Amendments request por favor?

I don't know if my boss intends to run with any or all of these, but here's what I've had drafted:

- Restore SB 362 two-track eligibility documentation;
- Same day registration during early voting;
- Medicare ID presented w/voter registration certificate allows a person to vote;
- Restore SB 362 inclusion of CHL and valid state or federal photo ID into list of documents;
- Penalty of perjury affidavit plus voter registration certificate allows a person to vote
- Class B misdemeanor for a person who knowingly deceives another person regarding the time, place, or manner of conducting an election, or the qualifications for or restrictions governing voter eligibility

From: Steve Scheibal

Sent: Sunday, January 23, 2011 7:12 PM

To: Harold Cook

Cc: Jason Hassay; Debra Gonzales; Amber Hausenfluck; Ray Martinez; David Edmonson; Will Krueger; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith

Subject: Re: Amendments request por favor?

We're working on two:

-- striking the bill and instead increasing criminal penalties on those who actually commit voter fraud and impersonation.

-- and the Ogden amendment from last session, saying the bill will have no effect if an appropriation isn't made.

On Jan 23, 2011, at 5:36 PM, "Harold Cook" <hc@haroldcook.com> wrote:

Folks, if I could get a reply from each office on amendments each office has drafted for voter ID it might help the Senators' conference call more productive. No huge explanation necessary, just one sentence summaries?

On Jan 23, 2011, at 4:47 PM, Jason Hassay <Jason.Hassay@senate.state.tx.us> wrote:

We did an informal break down but only have our notes in pencil. Will work on typing them up to share.

-Jason

Jason Hassay
Chief of Staff & General Counsel
Office of Senator Carlos I. Uresti
512-463-0119 phone
512-463-1017 fax

From: Harold Cook [mailto:hc@haroldcook.com]
Sent: Sunday, January 23, 2011 4:33 PM
To: Debra Gonzales
Cc: Amber Hausenfluck; Steve Scheibal; Ray Martinez; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: Re: VID Working Group: Question of a side by side comparison of SB 14 & SB 362

At least 2 Senators have asked this very question, so somebody should sure tackle that project.

On Jan 23, 2011, at 4:28 PM, Debra Gonzales
<Debra.Gonzales@senate.state.tx.us> wrote:

Hello

I was wondering if anyone had already done a side by side comparison of SB 14 and SB 362 (senate engrossed version from the 81st)? If so...may I please have a copy?

If not I will be working on one and will share it if anyone wants a copy... Thanks!

Debra Gonzales
Legislative Director
Senator Gallegos
512-463-0106 office
512-463-0346 fax

From: Harold Cook [mailto:hc@haroldcook.com]
Sent: Saturday, January 22, 2011 6:06 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: VID Working Group: add'l materials from Luis Figueroa

Luis Figueroa sent some requested items to several of the group so I wanted to share with all.

Begin forwarded message:

From: "Luis Figueroa" <lfigueroa@MALDEF.org>

Date: January 22, 2011 5:33:42 PM CST

To: "Harold Cook" <hc@haroldcook.com>, "David Edmonson" <David.Edmonson@senate.state.tx.us>, "Amber Hausenfluck" <Amber.Hausenfluck@senate.state.tx.us>, <richard.sooksiasian@senate.state.tx.us>

Cc: "Laurie Vanhooose" <austintransplant@gmail.com>

Subject: Additional materials for Voter ID Senate Committee hearing

Attached:

1) Crawford v. Marion County- Supreme Court ruling that upheld Indiana's strict voter id legislation.

Distinguishing points:

1) Texas is a section 5 state with a much larger minority population than Indiana

2) Indiana provided a 10 day cure period after the election where as SB 14 only provides 6 days

2) Texas Voting Rights Act Report page 8-13 describes the history of voting discrimination in Texas.

3) Deceptive Elections Flyer given to minority voters in Tarrant County in 2007. Example of fraud that is substantiated and unprosecuted because there is no law on the books to address.

4) Voter Id power point. Pages 4-8 layout the studies demonstrating impact of voter identification laws on minority electorate.

5) Maricopa County Analysis of Conditional Provisional Ballots in Arizona after their implementation of a voter id(proposition 200) that mirrored last year's Tx Senate Voter ID Bill (SB 364). Conditional Provisional Ballots were given to voters that lacked the ID documents in Arizona meaning these ballots are separate from regular provisional ballots.

Luis Figueroa

MALDEF

Legislative Staff Attorney

110 Broadway

Suite 300

San Antonio, TX 78205

L.Figueroa@maldef.org

210-224-5476 ext. 212

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Monday, January 24, 2011 9:05 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: VID Working Group: IM Chatroom during tomorrow's hearing

Apparently the prevailing view on what instant messaging client most relevant Senate staff utilize is MSN. So for whoever wants in on the chat room for tomorrow's debate, email me your MSN account email, which I guess would be hotmail.com or live.com. I'm not really that slick on this stuff but I'll try to set up a chatroom in the morning and invite you in if I have your screen name.

Again, on MSN, mine is hcookaustin@hotmail.com

(Also, judging by the lack of replies to my email about this earlier today, the demand for the chat room may well not be very high, so we'll see)

Sean Griffin

From: Sara Gonzalez
Sent: Monday, January 24, 2011 9:00 PM
To: Amber Hausenfluck; David Edmonson; Graham Keever_SC; Dan Buda; Debra Gonzales; Harold Cook; Steve Scheibal; Ray Martinez; Will Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: RE: Amendments
Attachments: TALKING POINTS ON AMENDMENT REQUIRING NOTICE OF VOTER ID REQUIREMENTS TO WOMEN WHEN RECEIVING MARRIAGE CERTIFICATE.docx; TALKING POINTS ON AMENDMENT ALLOWING THE USE OF AN EXPIRED ID.docx; TALKING POINTS ON AMENDMENT CHANGING THE PHOTO ID REQUIREMENTS OF THE BILL TO THE SAME USED FOR ACQUIRING A DRIVERS LICENSE.docx; TALKING POINTS ON AMENDMENT REQUIRING ALL POSTINGS TO BE IN BOTH ENGLISH AND SPANISH.docx

Lucio is still going with the ones I sent earlier. Attached are some one-pagers on what they do.

From: Amber Hausenfluck
Sent: Monday, January 24, 2011 7:52 PM
To: David Edmonson; Graham Keever_SC; Dan Buda; Debra Gonzales; Harold Cook; Steve Scheibal; Ray Martinez; Will Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: RE: Amendments

Senator Van de Putte is interested in the following:

1. 2 alternative forms of ID (taken from SB 382 from the 81st)
2. Changes in the law do not take effect unless the comptroller determines that the legislature has appropriated the amount of money appropriate entities that is necessary to fully fund the implementation of this Act. The Changes in law do not take effect unless the Secretary of State has received certification from every county that they have completed the training and outreach designated in SB 14.
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The talking points for the above amendments are attached.

I will bring the other amendments Senator Van de Putte had drafted to the floor tomorrow in case anyone wants to offer any of them.

Thanks,

Amber Hausenfluck
Deputy Legislative Director
Senator Van de Putte, R.Ph.
E1.610
512-463-0126
amber.hausenfluck@senate.state.tx.us

From: David Edmonson
Sent: Monday, January 24, 2011 6:14 PM
To: Graham Keever_SC; Dan Buda; Debra Gonzales; Harold Cook; Amber Hausenfluck; Steve Scheibal; Ray Martinez; Will

Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith

Subject: RE: Amendments

Sen. Ellis is still going with the three I outlined yesterday. A few staffers have talked to me about their boss signing on to one of the amendments. **If your boss is interested in signing on, have them talk to Ellis tomorrow morning to physically sign the amendment.**

I've attached the text and a Q&A for each amendment as background. Thanks,

David

From: Graham Keever **On Behalf Of** Graham Keever_SC

Sent: Monday, January 24, 2011 6:02 PM

To: Dan Buda; Debra Gonzales; Harold Cook; Amber Hausenfluck; Steve Scheibal; Ray Martinez; David Edmonson; Will Krueger; Jason Hassay; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith

Subject: Amendments

As of right now, we're running with the Medicare card amendment only.

Sean Griffin

From: Harold Cook <hc@haroldcook.com>
Sent: Monday, January 24, 2011 10:01 PM
To: Will Krueger
Cc: Dan Buda
Subject: Re: A really good question for the Sec of State's office

yes but since the Secretary of State's office is charged with implementing election law, how ready are they to do that if they can only find 81 of them?

I'm looping in Dan on this so he can have a more complete view. Thanks Will.

On Jan 24, 2011, at 10:00 PM, Will Krueger wrote:

If you look at this list, it looks like many more than 81 counties have web sites:

<http://www.texascounties4u.org/websites.html>

From: Harold Cook [mailto:hc@haroldcook.com]
Sent: Monday, January 24, 2011 9:54 PM
To: Amber Hausenfluck; Steve Scheibal; Ray Martinez; Debra Gonzales; David Edmonson; Will Krueger; Jason Hassay; Dan Buda; Graham Keever; Micah Rodriguez; Graham Keever_SC; Sara Gonzalez; Lara Wendler; Gonzalo Serrano; Oscar Garza; Sushma Smith
Subject: A really good question for the Sec of State's office

I know Davis was interested in questioning SOS earlier, so for her info (or for whoever is ultimately questioning the Sec of State's office), Laurie just forwarded this from 2 years ago, in which only 81 counties have websites (which are apparently required under the bill).

I just re-counted, and they still only have 81 counties listed, which means that according to the chief elections officer in Texas, **173 counties would be unable to comply with the requirements of the law.**

Begin forwarded message:

From: Laurie Vanhooose <austintransplant@gmail.com>
Date: January 24, 2011 9:42:25 PM CST
To: Harold Cook <hc@haroldcook.com>, Amber Hausenfluck <Amber.Hausenfluck@senate.state.tx.us>
Subject: Counties that have websites

When I was going through old emails I found this one from last time we debated voter ID. We should include a question asking the SOS the number of counties that have websites because the bill states that as part of voter education the county will list the new requirements on their website. If a county doesn't have a website.....

Date: Wed, 04 Mar 2009 17:13:02 -0000

To: <txelectionreform@yahoogroups.com>

Subject: [txelectionreform] County web sites as reported by SOS

Here is the list of county websites the SOS has on their site

<http://www.sos.state.tx.us/elections/voter/links.shtml#County>

There are 81 counties listed on this page. I don't know which ones are missing but if this is accurate then 173 don't have one.

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